

# BOARD OF APPEALS

## Rules and Regulations

Adopted: Sept. 14, 1988  
Revised: Oct. 3, 1997  
Revised: Mar 25, 2003  
Revised: June 2, 2005

### I. Authority.

The Board operates under authority of the Bylaws of the Town of Carlisle and the Massachusetts General Laws. These Rules and Regulations are adopted by the Board pursuant to General Laws Chapter 40A, sections 9 and 12 and General Laws Chapter 40B section 21.

### II. Powers of the Board.

The Board shall have the following powers:

- A. To hear and decide appeals as provided in Chapter 40A, section 8 of the General Laws, including appeals by any person aggrieved by reason of his or her inability to obtain a permit under the Zoning Bylaw, or by any officer or board of the Town or other person aggrieved by an order or decision of any administrative official under the Zoning Bylaw.
- B. To hear and decide the applications as provided in Chapter 40A, section 9 of the General Laws for special permits for use of land and/or buildings upon which the Board is required to pass by the Zoning Bylaw.
- C. To hear and decide requests for variances as provided in Chapter 40A, section 10 of the General Laws, upon appeal or upon petition, which may be granted under the limited circumstances set forth in Sections 5.3.11 and 7.5 of the Zoning Bylaw and General Laws Chapter 40A, section 10.
- D. To hear and decide applications for permits for removal, deposit and stockpiling of earth material (hereinafter referred to as Earth Permit) as provided by Article VIII of the General Bylaws.
- E. To hear and decide upon petitions seeking a Comprehensive Permit to construct low and moderate income housing as authorized by Chapter 40B, sections 20-23 of the General Laws.

### III. Organization.

- A. The Board of Appeals shall consist of three members and two associate members who shall be appointed by the Board of Selectmen under the provisions of Chapter 40A of the General Laws.
- B. The Board shall elect annually a Chairman and Clerk from its own number.
- C. The Chairman may direct an associate member to sit on the Board in case of absence, inability to act or interest in the part of a member; or, in the event of a vacancy, may

direct an associate member to sit as a member until said vacancy is filled by the Board of Selectmen.

IV. Procedural Requirements.

A. Submissions to the Board.

1. All appeals, applications for permits, and petitions for variances shall be filed with the Town Clerk. The number of copies and disposition thereof shall be as follows:

<u>Submission</u>	<u>No. of Copies</u>	<u>Disposition</u>
Appeal	2	Board of Appeals Officer or Board whose order or decision is being appeals (copy)
Application for Special Permit	1	Board of Appeals
Petition for Variance	1	Board of Appeals
Application for Earth Permit	1	Board of Appeals
Application for Comprehensive Permit	15	Board of Appeals (original and 14 copies). See Section VIII regarding Comprehensive Permit Rules and Regulations

2. All appeals, applications and petitions to the Board of Appeals shall be in writing on a form prescribed by the Board and shall state the specific sections of the Bylaws involved and the relief desired. The Board shall not grant any relief not specifically requested in the application

3. An appeal, application or petition other than for a Comprehensive Permit must be filed by (or with the specific written authorization of) all owners of record of the property which is the subject of the petition.

4. Payment of the fee for a hearing before the Board shall accompany the application.

5. In the case of appeals, the notice of said appeal must be filed with the Town Clerk within 30 days after the date of the refusal of a permit or the issuance of the order or decision. The appeal shall include a copy of the denial of a permit, or the order or decision being appealed. The officer or board whose order or decision is being appealed shall forthwith transmit to the Board of Appeals all documents and papers constituting the record of the case in which the appeal is taken.

6. If the requested action involved land, copies of a plan of the plot made by the registered surveyor or copies of a plan on file at the Registry of Deeds shall be included. The plan shall be drawn to a suitable scale showing the following information:

a. The lot in question, measurement of all boundaries, and indication of North,

- b. Any structure already on the lot with the dimensions of the same,
- c. The proposed structure or other use with dimensions, including height and distances to all lot lines,
- d. The location and the names if known of present owners of all adjoining land and buildings thereon that abuts the lot in question or is across any street or way from the lot in question,
- e. Provisions for on-site parking, if applicable, in conformity with the requirements of the Zoning Bylaws,
- f. Any additional dimensional or land condition information necessary to further define the request or, in the case of a variance application, to illustrate hardship,
- g. In the case of applications or petitions for a special permit or variance or for any extension, modification or renewal thereof, a new plan is not required if there is an existing plan on file with the Board and if there are not relevant changes in the information contained in that plan.

7. In the case of an application for an Earth Permit, pursuant to Article VIII of the General Bylaws, the applicant shall submit with the application plans of the area showing longitudinal and lateral elevation profiles at a sufficient scale and level of detail to determine the condition of the land both before and after the proposed transfer, and if the circumstances warrant, additional profiles as deemed necessary by the Board. In addition, the application shall include a statement of plans for the disposal of rocks, tree stumps, and other waste materials, and for the drainage of the site, if necessary, during and after the transfer operations. The application shall also include a statement of the hours and days of operation, the trucking route and type of vehicle to be used on any street for the transfer of materials, and the treatment of the site during operation to reduce dust, mud and noise.

8. In the case of Comprehensive Permits, see Section VIII of these Rules.

B. Scheduling of Hearings and Decisions.

1. Hearings

a. Appeals, Applications for Special Permits, and Petitions for Variances.

Appeals, applications for special permits, petitions for variances, and requests for extensions of variances will normally be scheduled for hearing on the next regular hearing date (see IV.C.) provided they are received by the Town Clerk in their proper form not less than 27 days before the date of the regular hearing. Appeals, applications and petitions received later than 27 days before the next hearing date shall be put over for hearing on the next subsequent regular hearing date. In any case, the hearing shall be held within sixty-five days from the time of filing with the Town Clerk.

b. Applications for Earth Permits

Applications for Earth Permits shall be scheduled for hearing on the next regular hearing date to be held within 21 days of receipt of an application. Applications must be filed no earlier than 21 days before a regular hearing date or later than 14 days before a regular hearing date in order to be heard on the next hearing date.

- c. Applications for Comprehensive Permits

See Section VIII of these Rules.

## 2. Decisions

- a. Appeals and Petitions for Variances

The decision of the Board shall be made within one hundred days after the date of the filing.

- b. Applications for Special Permit

The decision of the Board shall be made within ninety days following the hearing.

- c. Application for Earth Permit

The Board shall render its decision within 21 days of the conclusion of the public hearing.

- d. Application for Comprehensive Permit

The Board shall render its decision within 40 days after the termination of the public hearing.

3. The required time limits in this section IV.B. may be extended by written agreement between the petitioner or applicant and the Board. A copy of such agreement shall be filed with the Town Clerk.

## C. Hearings

1. Regular hearings shall normally be held at 8:00 p.m. on the first Thursday of the month except when this date is a holiday, state or municipal election, caucus or primary, in which case the regular hearing shall be on the second Thursday or other date established by the Board. Other hearings may be held at the call of the Chairman or the Clerk, as the need arises.

2. The Clerk shall cause notice of the hearing to be published in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing; post a copy of the notice in a conspicuous place at the Town Offices; and send notice by mail to the petitioners, abutters, owners of land directly opposite on any public or private street or way, and abutters to abutters within 300 feet of the property line, all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another town, and to the Planning Board, and, if pertinent to the Planning Board of the adjoining town, and to the Board of Selectmen, and the officer or board involved in the appeal, if applicable. In cases of Earth Permits, notice shall be given not less than five days before a hearing by publication once in a newspaper of general circulation in the town, and by mail to abutters.

#### D. Decisions

1. A decision granting a special permit shall include a condition that the special permit shall lapse if the rights granted are not exercised within a period of one year, and including such time required to pursue or await the determination of an appeal referred to in Chapter 40A, section 17, Massachusetts General Laws, from the grant thereof.

2. The Clerk shall mail notices of the decisions to parties in interest as designated in Section IV.C.2., and to every person present at the hearing who requests in writing that the notices be sent to him and who states the address to which such notice is to be sent.

#### V. Records.

The following records, reports and notice shall be prepared:

A. Minutes of Meetings. The Clerk shall cause to be made a record of regular meetings and public hearings. The minutes shall include the vote of each member upon each question, or if, absent or failing to vote, indication of such fact, and set forth clearly the reason or reasons for the Board's decisions, and its other official actions. The minutes shall be signed by the Board's Secretary or the Clerk, and a copy filed with the Town Clerk.

B. Decisions. The Clerk, or the Secretary under the Clerk's direction, shall prepare the Board's decision on any appeal, application or petition. The decision shall include the findings and reasoning for the decision, and be signed by the voting members. A copy shall be filed with the Town Clerk.

C. Notices. The Clerk shall cause to be prepared hearing notices, and be responsible for publication, posting and distribution. The Clerk shall prepare notices of decisions and be responsible for distribution.

#### VI. Fee Schedule.

All appeals, petitions and applications except application for Comprehensive Permits: \$100.00 hearing fee to be submitted with the application.

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#### VII. Reference Effectivity.

Any reference herein to any statute, bylaw or regulation shall include any amendment thereto or any successor statute, bylaw or regulation.

#### VIII. Comprehensive Permit Rules

##### VIII.1. Rules

##### A. Authority

General Laws Chapter 40B, Sections 20-23, governing Low and Moderate Income Housing (Chapter 774 of the Acts of 1969), requires that Comprehensive Permit applications be filed with and heard by the Board of Appeals. Section 21 provides that the "board of appeals shall adopt rules, not inconsistent with the purposes of this chapter, for the conduct of its business pursuant to this chapter and shall file a copy of said rules with the city or town clerk." As required by that section, the Board of Appeals has promulgated these Rules and Regulations

for the conduct of its business regarding Comprehensive Permit applications and hearings. See also Regulations of the Housing Appeals Committee, 760 CMR 30.00 and 31.00. In the event of a conflict between these comprehensive permit rules and the Board's general Rules and Regulations, these comprehensive permit rules shall govern.

## B. Definitions

Defined terms are capitalized in these Rules.

ACT	M.G.L. c. 40B, §§ 20-23 (Chapter 774 of the Acts of 1969)
APPLICANT	Any person or such person's authorized representative who files an APPLICATION for a Comprehensive Permit under M.G.L. c. 40B, §§ 20-23.
APPLICATION	All plans, forms, reports, studies and other documents submitted to the BOARD under these RULES by an APPLICANT.
BOARD	The Carlisle Zoning Board of Appeals established under M.G.L. c. 40A, § 12.
BYLAW	The Town of Carlisle Zoning Bylaw.
DECISION	Final Action by the BOARD on an APPLICATION.
LAW	M.G.L. c. 40B, §§ 20-23.
PARTIES IN INTEREST	The APPLICANT; abutters; owners of land directly opposite on any private or public STREET or way; and abutters to the abutters within 300 feet of the property line of the Comprehensive Permit site as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Carlisle Planning Board; and the Planning Boards of every abutting city or town.
PERMIT	A Comprehensive Permit under the LAW.
RULES	These Rules and Regulations.
SITE	The property on which the Comprehensive Permit project is proposed.
TOWN	Town of Carlisle.

## C. Waiver of Rules

Strict compliance with these RULES may be waived if the BOARD finds that granting the waiver is in the public interest and not inconsistent with the intent and purpose of the LAW and the RULES, or that the subject of the requested waiver is irrelevant to the proposed development.

Any request by an APPLICANT for a waiver from these RULES must be submitted to the BOARD in writing as part of the APPLICATION. Such requests shall identify the specific sections of the RULES from which waivers are sought and shall include a statement setting forth the reasons why the APPLICANT believes a waiver should be granted.

D. Performance Guarantee

The BOARD may require in its DECISION that a performance guarantee be posted with the TOWN and/or recorded in the Registry or registered in the Land Court as applicable in such form and amount as is required by the BOARD to secure the satisfactory completion of all or any part of the work authorized under a PERMIT. The form of the performance guarantee may be (a) a performance bond or other financial surety similar to that required by the TOWN's Subdivision Rules and Regulations, (b) a covenant or other restriction recorded in the Registry of Deeds or Land Court Registration office that runs with the land, and/or (c) such other performance guarantee as the Board shall deem necessary and sufficient under the circumstances of the PERMIT.

E. Advice from Town Staff

Any advice, opinion, or information given to the APPLICANT by a BOARD member or by any agency, official, agent or employee of the TOWN shall be considered advisory only and shall not be binding on the BOARD.

F. Amendments to the Rules

The RULES may be amended by a majority vote of the BOARD in a public meeting. Any such amendment shall be reduced to writing and filed with the Town Clerk.

VIII.2. Preliminary Preview

A. Preliminary Consultations

Before filing an APPLICATION with the BOARD, the APPLICANT must, under state regulations, 760 CMR 31.02(2), apply for a written determination of project eligibility from a subsidizing agency or a project administrator. Under these regulations, the subsidizing agency or project administrator must give the TOWN notice of the application, and afford the TOWN a 30-day period in which to provide comments on the APPLICATION to the subsidizing agency or project administrator. As early as possible during this 30-day period, the APPLICANT shall on request meet with the Board of Selectmen and, if requested by the Board of Selectmen, with other town boards and/or officials, to provide such information reasonably requested by them regarding the SITE, the proposed project and the anticipated APPLICATION. The APPLICANT shall make itself available for such meetings at reasonable times, and with reasonable notice from the Board of Selectmen.

B. Scope of Pre-Application Town Staff Reviews

Before the APPLICANT files its APPLICATION with the BOARD, the TOWN staff will be available to review preliminary materials in an attempt to avoid unnecessary technical deficiencies in the final APPLICATION and to promote efficiency in the formal review process. The preliminary review may include a meeting or meetings of the prospective APPLICANT with TOWN staff. The APPLICATION remains the responsibility of the APPLICANT. Staff will not

be responsible for assuring the thoroughness, completeness, or correctness of any final APPLICATION or any comment of staff with respect thereto.

During the preliminary review, staff will make recommendations for any additional fee deposits that may be appropriate. Note that substantial changes in the project may require the alteration of staff recommendations at the time of final APPLICATION.

### VIII.3. Contents of An Application

An APPLICATION for a PERMIT that does not comply with the application requirements of these RULES or of applicable state regulations may be denied by the BOARD after giving the APPLICANT an opportunity to remedy the defect, as governed by 760 CMR 31.01(5). It is the responsibility of the APPLICANT to assure the accuracy and completeness of all information submitted to the BOARD as part of an APPLICATION. The APPLICANT shall be responsible for factually supporting all points relied upon in the APPLICATION, including references for methodologies used in its design and calculations.

Fifteen sets of the entire APPLICATION package shall be required at the time of submission of an APPLICATION.

#### **A COMPLETE APPLICATION FOR A PERMIT SHALL INCLUDE THE FOLLOWING ITEMS:**

##### A. Application Form

An APPLICATION for a PERMIT shall be made in writing and include the completed APPLICATION form entitled "Application for a Comprehensive Permit" (see Appendix). Where the APPLICANT is a person other than the record owner of the property, the APPLICANT shall obtain the owner's signature on this form indicating that the owner has knowledge of and consents to, and concurs with, the APPLICATION.

##### B. Evidence of Compliance With Jurisdictional Pre-Requisites

1. An APPLICATION shall include the following documents:
  - (a) If the APPLICANT is a non-profit organization, a copy of its Articles of Organization, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the APPLICANT is a for-profit corporate entity, a copy of its Articles of Incorporation or equivalent documents, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report; if the APPLICANT is a public agency, evidence of the agency's authority to engage in the development of the housing as proposed by the APPLICATION;
  - (b) A copy of the proposed Regulatory Agreement that restricts the APPLICANT's profit in the proposed development;
  - (c) A determination from a subsidizing agency or project administrator pursuant to 760 CMR 31.01(2) that the proposed development is eligible for funding under the applicable subsidy program;



(d) Evidence that the APPLICANT controls the SITE, including:

- (1) if the APPLICANT owns the SITE, a copy of the APPLICANT's deed or certificate of title to the SITE, clearly indicating the recording or filing references from the Registry of Deeds (*i.e.*, book and page numbers) or Land Court Registration office (*i.e.*, Certificate of Title number);
- (2) if the Applicant does not own the SITE, a copy of an executed purchase and sale agreement or equivalent document and all necessary extensions thereto entitling the APPLICANT to obtain title to the SITE for the duration of the public hearing, and a copy of the owner's deed or certificate of title to the SITE, clearly indicating the recording or filing references from the Registry of Deeds (*i.e.*, book and page numbers) or Land Court Registration office (*i.e.*, Certificate of Title number); and
- (3) an attorney's title certification revealing all title encumbrances relevant to the SITE.

In all cases, site control shall be deemed satisfied only if there are no legal impediments to the construction of the proposed project on the SITE.

If the APPLICANT is acting in the name of a trust, corporation or company, an authorizing vote shall be attached.

C. Development Impact Report

A completed Development Impact Report (see Appendix).

D. Certified List of Parties in Interest

A certified list of all PARTIES IN INTEREST as defined in these RULES, taken from the most recent tax list of the TOWN and certified by the Town Assessor. The APPLICANT shall pay any charges required by the Town Assessor for preparing the list.

E. Existing Site Conditions

A report to accompany the "Natural Features and Existing Conditions Sheet" of the SITE plan described below, which identifies the location and nature of existing buildings, street elevations, traffic patterns, on-site circulation, sight distances, and character of open areas, if any, in the neighborhood, as well existing impacts on municipal facilities, such as water, public safety, sewage treatment, wetlands, and wildlife habitat

F. Recorded Plans and Deeds

A copy of the most recently recorded plan(s) and deed(s) for the SITE on which the work will take place bearing the book number(s), page number(s), and date(s) of recording(s) or registration(s).

G. Legal Documents

If the APPLICATION proposes housing in a condominium form of ownership, the proposed condominium master deed and trust documents; any documents intended to govern a homeowners association; and any other legal documents intended to restrict future buyers and tenants of lots or dwelling units, including proposed affordable housing restrictions.

H. Drainage Calculations

Storm drainage runoff calculations used for the drainage system design must be prepared by and display the seal of a qualified Registered Professional Engineer and must support the sizing of all drainage structures and pipes. These calculations must be based on a recognized standard method (usually the Rational or Soil Conservation Service Methods). The calculations must contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity for the SITE in question. Furthermore, the calculations should be fully documented, including copies of charts or other reference sources, to make review possible. The pre- and post-development runoff rates must be provided. The use of computer generated reports is acceptable; however, the source of the software should be identified. Design of the storm drainage system can generally be based on a 10-year storm event; however, the system design shall not result in serious flood hazards during a 100-year storm.

I. Earth Removal Calculations

Calculations for determining the amount of earth to be removed and the amount of fill to be brought to the SITE shall be prepared by and show the seal of a qualified Registered Professional Engineer.

J. Water Balance Calculations

Depending on the BOARD's assessment of the circumstances at or near the SITE during the public hearing process, the BOARD may require a hydrologic water balance calculation for pre- and post-development conditions based on annual precipitation that quantifies evapotranspiration, runoff, recharge, and septic flow.

K. Traffic Study

A traffic impact study shall be submitted with the APPLICATION where the proposed uses of the SITE are likely to produce an average of 400 additional trips per weekday based on the most recent edition of the Institute of Transportation Engineers' publication "Trip Generation". For all other projects, the Board may require such a study during the public hearing process depending on the BOARD's assessment of the circumstances at or near the SITE. To avoid lengthy delays in the processing of an APPLICATION, the APPLICANT should consult with TOWN staff during the preliminary review to determine the scope of the traffic impact study. In general, a traffic study shall examine and include the following:

1. Existing traffic conditions, including roadway geometries, traffic volumes, safety, accident data, delays, and levels of service for roads and intersections (whether in Carlisle or another town) affected by the proposed development.

2. Future traffic conditions including trip generation, trip distribution, volume-to-capacity ratios, and levels of service for existing roads and intersections (whether in Carlisle or another town) affected by the proposed development five years beyond anticipated completion. Impacts of other previously approved projects and of projects pending approval shall be taken into consideration. Approach and departure route assignments shall be based on existing traffic patterns, minimum time paths, "journey to work" data, market studies, or a combination thereof.

3. All traffic information shall include data for both AM and PM peak hours and weekend peak hours, as well as average daily data. Sight distances for turning movements to and from the SITE as well as within the SITE must be analyzed using AASHTO (American Association of State Highway and Transportation Officials) standards. The adequacy of vehicular queuing storage at the SITE entrances shall also be demonstrated. The impact of any planned phasing of the project shall be discussed.

4. Mitigation measures that could be taken to reduce the impacts of the proposed development and their estimated cost. These should include capacity enhancements such as added turn lanes, bike lanes, pedestrian facilities, signalization, and improvements to intersections and medians. The traffic study shall make specific proposals for mitigation measures to be implemented by the APPLICANT. The potential for driveway connections to neighboring LOTS must be explored. The study should take into account those improvements that are planned and/or currently implemented by the TOWN or the State, and any proposed improvements should be consistent with the TOWN'S Master Plan.

#### L. Site Plan

The APPLICATION shall include Project SITE plans, legibly drawn to fully detail, and explain the intentions of the APPLICANT. SITE plans shall be drawn on 36" x 24" sheets at a suitable standard scale (1 inch = 20, 30, 40, or 50 feet) except when noted otherwise in these RULES. All plans shall include a reasonable numbering system for lots, buildings, and dwelling units. Each plan sheet shall feature a north arrow, a legend identifying any representative symbols used on the sheet in question, an appropriate title block in the lower right hand corner, and the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Professional Architect, or some combination of these as appropriate to the data on the sheet. Topography and all elevations shall be referenced to the National Geodetic Vertical Datum of 1929 with the location and elevation of the starting benchmark plus at least two additional temporary benchmarks on the SITE.

The individual SITE plan components (*i.e.*, Master Plan, Natural Features and Existing Conditions Plan, etc.) may be presented on one or more plan sheets as necessary to present clear and legible plans. Match lines shall be placed in plan locations that feature a minimum of information. Sufficient overlap between plan sheets shall be provided to permit easy reading of plans across match lines. Unless other arrangements are made with staff during the preliminary review process, which other arrangements shall be identified as a part of the Plan, the project SITE plan shall consist of the following:

1. ***A Title Sheet*** showing:

a. A locus map showing an area of at least one mile diameter around the SITE at a scale of at least 1" = 1200' with major streets, buildings, brooks, streams, rivers and other landmarks, public facilities, recreation facilities, and open spaces displayed with sufficient clarity to show the relationship of the proposed project to the community, its facilities and major features.

b. The general layout of the project drawn to a scale suitable to fit the entire SITE onto the title sheet and showing existing and proposed approximate layouts of streets and ways, lot boundary lines, lot numbers, existing street names and identification of proposed streets and ways, areas to be developed, designated open space, other areas to be left undeveloped within the project boundaries, and all zoning district boundaries within or adjacent to the SITE.

c. Names and addresses of the owner of record, the APPLICANT, the engineer and the land surveyor, and the book and page number of the recording of the deed or the Land Court certificate for the SITE.

2. A **Master Plan Sheet** drawn at a scale of not smaller than 1" = 100' showing:

a. The proposed lot layout and project boundaries with ownership of abutting properties indicated.

b. The proposed distribution of the various land uses by parcels, lots, and buildings. Identify the proposed affordable units.

c. Access and utility easements.

d. All zoning district boundaries shown in their proper location.

e. Access streets or ways to the project including intersections with existing streets, and access driveways and intersections within 200 feet of the access driveways or streets serving the proposed development, with centerline offsets dimensioned.

f. Locations of all permanent monuments, structures, buildings, streets, roads, driveways, intersections, parking lots, walkways, fire lanes and other improvements, easements and rights of way, locations of any special SITE features including, but not limited to waterways, wetlands, bridges, dams, drainage courses, stone walls, fences and wells, properly identified as to whether existing or proposed.

g. A table showing the zoning requirements for the SITE and the actually proposed dimensions or calculations.

h. A table showing the proposed dwelling unit density, floor area ratio, building coverage, and total coverage of the SITE with buildings and other impervious materials (driveways, walks, parking lots, etc.).

i. If the project is to be built in phases, the proposed boundaries of each development phase.

j. Proposed general layout of drainage and wastewater disposal systems

3. A ***Recordable Plan Sheet*** suitable for recording at the Middlesex South District Registry of Deeds or the Land Court, signed and stamped by a registered land surveyor or professional engineer, showing:

- a. The project name, names of streets and ways within the project and immediately adjacent to it, the project perimeter and lot boundaries, open space boundaries (if any), north point, date, scale and legend and the TOWN Atlas Map and Parcel Number(s).
- b. Names and addresses of the owner(s) of record, and the APPLICANT, the engineer and land surveyor, and the book and page number(s) of the recording of the deed(s) or the Land Court certificate(s) for the SITE.
- c. Location of abutting property lines with ownership indicated.
- d. All zoning classifications and zoning district boundaries shown in their proper location.
- e. Sufficient data to easily determine the location, direction, width and length of every street line, easement, right of way, way or path, lot line and boundary line, and to reproduce these lines on the ground. All bearings shall be true, magnetic or grid, and the north arrow used on the plan shall clearly indicate this.
- f. House or dwelling unit numbers on each lot, clearly distinguishable from the lot numbers.
- g. Location of affordable housing lots and units.
- h. A clear indication, by proper symbols, markings, dates or other notes, after a thorough search has been made, of permanent monuments or boundary markers as were found in the traverses and/or perimeter surveys, and of wetlands, watercourses and other significant features.
- i. A statement that the plan is subject to a Comprehensive Permit granted by the BOARD with conditions and limitations, dated   [date]  .
- j. A reference to all covenants and restrictions applying or relating to the land, and their purpose.

4. A ***Natural Features and Existing Conditions Plan Sheet*** showing:

- a. Site features such as, but not limited to, flood plains, waterways, drainage courses, ponds, wetlands, ledge outcroppings, soil characteristics, existing vegetation, any species occurring on the SITE that is listed by the Massachusetts Natural Heritage and Endangered Program as endangered, threatened and/or of special concern, or as rare native plants. The boundaries of all wetland resources, including those defined under the state Wetlands Protection Act and any local wetlands bylaw, shall be delineated on the plan in their locations as approved by the Conservation Commission.
- b. All existing monuments and improvements such as, but not limited to, buildings, structures, roads and ways, paved areas, stone walls, underground and above ground storage tanks, wastewater disposal systems, wells, historic structures, historic buildings,

archeological sites, and scenic vistas; indicate final disposition of any existing building, structure and other improvements, whether they are to remain or to be removed.

c. Existing contours of the land shown at two-foot intervals.

d. The perimeters of all proposed improvements such as, but not limited to, buildings, structures, roads, and paved areas superimposed on the natural features plan in a faded or screened back mode.

5. A ***SITE Development Plan Sheet*** showing proposed SITE conditions for the following characteristics:

a. SITE boundary lines and proposed lot lines within the project.

b. All zoning classifications and zoning district boundaries.

c. Proposed topography at two-foot intervals.

d. Proposed dimensions for setbacks, parking lots, and other features whether or not regulated under the BYLAW, to allow an easy evaluation of the project in relation to the generally-applicable standards of the BYLAW.

e. Location of any special SITE features including, but not limited to, waterways, wetlands, bridges, dams, drainage courses, stone walls, fences, and wells, with indication of any proposed alterations if feature is existing.

f. All wetlands and wetland buffer area boundaries defined as those areas subject to the provisions of the Wetlands Protection Act (G.L. Chapter 131, Section 40) and the Carlisle Wetlands Bylaw.

g. The proposed layout and area of the open space, if any, showing proposed ownership and intended use, with percent of total project area.

h. All proposed improvements to be located in the open space, including but not limited to, buildings, structures, sidewalks, walkways, trails, and other recreation facilities.

i. The location of affordable housing lots and units.

j. Locations, layouts, widths, and names of all existing (on SITE and abutting, approaching, or within reasonable proximity of the SITE) and proposed streets, roads, ways, access and interior driveways, common driveways, walkways, sidewalks, parking lots, fire lanes, loading areas and other impervious covers with proposed finished grades along the center line or as appropriate, including project access streets or ways and intersections with existing streets.

k. The size of the largest truck expected to use the SITE shall be noted and all turning radii must be sufficiently sized to accommodate that size. The smallest size for the design shall be the SU-30 design vehicle so that fire trucks will have adequate maneuvering space.

l. Parking spaces must be identified as either standard size or handicapped parking spaces with a parking space typical for each type showing actual

dimensions. The location of any signs intended to be used for identification of handicapped parking spaces must be shown.

- m. Location and outline or footprint of all buildings or structures including garage spaces with finished floor elevation and dimensions.
- n. Any areas intended for open (outdoor) storage with purpose identification label and dimensions.
- o. Any proposed features designed for energy and water conservation and pollution control.
- p. Lot, building, and dwelling unit numbers.
- q. All access and utility easements.
- r. Proposed boundaries of each development phase clearly showing the specific limits of construction for each phase and detailing the work to be accomplished in each phase; interim curbing, pavement, and landscaping shall be shown as needed between phases.
- s. Location and type of stormwater drainage facilities, including notes on the construction materials of pipes, culverts, catch basins, and any other system component unless clearly depicted on the Construction Details Plan. Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, etc.) shall be shown so that the operation of the system can be evaluated. Any retention and/or detention ponds intended to be constructed shall be shown fully dimensioned.
- t. Location of underground storage tanks for fuel or other chemicals or hazardous materials or waste storage, including the tank types, capacities, age, and condition.
- u. Location and type of existing and proposed water services including wells. If the SITE is to use an on-SITE well, its proposed location must be shown in addition to its setbacks from any buildings, structures, or wastewater disposal systems. If public water services are to be utilized, show the proposed water main and service lines, properly dimensioned to meet the requirements of any local bylaw or regulation.
- v. All fire hydrants on the SITE, or off the SITE but within 500' of any building within the project. If no fire hydrants are located within such distance, then a note shall appear clearly explaining how the APPLICANT will provide fire protection to the SITE. The location of any proposed municipal fire alarm boxes or other warning systems and any proposed fire lanes shall be clearly shown and identified. Any underground conduit for municipal fire alarm connections shall be shown.
- w. The location and type of any other underground utilities, including but not limited to electric, gas, telephone, or cable television services. Emergency power facilities, if any are proposed, should also be shown.
- x. Location of dumpsters with appropriate screening specified.
- y. Location and perimeter outline of any on- or off-SITE, existing and proposed wastewater treatment and disposal system including any required reserve areas,

and any private wells in proximity to the SITE. The type of the wastewater disposal system shall be identified by a simple notation. Actual design and construction specifications for a wastewater disposal system are not required. The proposed location of sewer lines must be shown.

z. The locations of any proposed stump dumps.

aa. Plan notes that: 1) forbid the use of fill containing hazardous materials or waste; 2) require the marking of the limits of work in the field prior to the start of construction or site clearing; 3) require the cleaning of catch basin sumps and storm water basins following construction and annually thereafter; 4) restrict the hauling of earth or construction debris to or from the SITE to the hours between 9 AM and 4 PM on weekdays if such materials are intended to be removed from or brought to the SITE; 5) describe the materials to be used in the construction of impermeable surfaces such as streets, sidewalks, and driveways; 6) address any other issues as appropriate.

6. ***Plan and Profile Sheet*** of streets and ways showing:

a. Design and layout of streets and ways at a horizontal scale of 1" = 40' and a vertical scale of 1" = 4'.

b. Existing grades along the centerline and both sidelines of the street or way with centerline dimensioned.

c. Proposed finished centerline grades with elevations at 50-foot stations, location of vertical curves and gradient of even grades.

d. Profiles tied to a stationed base line.

e. The proposed sidewalk layout.

f. Proposed layout of storm drainage system, water supply system, fire hydrants, fire call box system, sewer lines, and all other utilities.

g. Identification, location, inverts, slopes, grades, stations, and sizes of all utilities and appurtenances.

h. If streets are proposed for acceptance as public ways, show a table that itemizes where the proposed streets do not comply with the design and construction requirements of the Carlisle Subdivision Rules and Regulations.

7. ***A Construction Details Plan Sheet*** showing:

a. Typical detail of a proposed catch basin, diversion box, emergency slide gate, manhole, headwall, retaining wall, walkway, curbs, ramps, sub-drain, waterway, leaching basin, drainage pond, or other similar improvements.

b. Typical cross-section and construction materials of proposed streets and ways, driveways, walkways, parking and loading areas, and fire lanes.

c. Typical detail with dimensions of each type of parking space to be used on the SITE.

d. Outdoor lighting details.



8. A ***Landscape Plan Sheet*** showing:

- a. General SITE and project features such as lot lines, buildings, structures, parking areas, curbs, walkways, loading areas, land contours, water bodies, wetlands, streams, ledge outcroppings, and large boulders so that it may be easily related to the other plans.
- b. Landscape treatments planned for the SITE and existing vegetation to be retained.
- c. A planting table with the botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted, along with the symbols used to represent the plants on the plan.
- d. A typical detail of a tree well, tree planting, and specialty planting area if applicable.
- e. The limits of work beyond which no disturbance during construction will be permitted; a plan note shall require that the limits of work be staked out at the SITE and they must be maintained at all times; in the vicinity of trees the limits of work shall follow the drip line of the trees.
- f. The perimeter of any existing wooded areas on the SITE; existing wooded areas intended for preservation; the location, size, and proposed fate of any existing trees larger than 16" in diameter.
- g. The location of outdoor lighting installations and signs.
- h. Proposed boundaries of each development phase clearly showing the specific limits of construction for each phase. Interim curbing, pavement, and landscaping shall be shown as needed between phases.

9. An ***Erosion and Sedimentation Control Plan Sheet*** showing:

- a. Sediment basins if used.
- b. Type of mulching, matting or temporary vegetation.
- c. Location of hay bales and siltation control fences.
- d. Size and location of land to be cleared at any given time and length of exposure time.
- e. Method of covering soil stockpiles.
- f. Any other methods to be used during construction to control erosion, sedimentation, and siltation.
- g. Documentation of proper construction and erosion control sequencing from the point of implementation to removal.

10. ***Architectural Floor and Elevations Plan Sheet***, signed and stamped by an architect registered in Massachusetts, showing:

a. Floor plans for each floor of each building, proposed or to remain; if buildings will be constructed repetitively a typical floor plan shall suffice. Each floor plan must illustrate how individual residential units are to be combined to form a residential building, including any accessories to the building (*i.e.*, solarium, patio, foyer, etc.). The Floor Plans shall be drawn at a scale of  $\frac{1}{4}'' = 1'$ .

b. Architectural scaled drawings of all buildings, including elevations for the front, sides, and rear of each building and structure, including the proposed architectural treatments to the building such as roofing, siding, and window materials at an appropriate scale, generally not less than  $\frac{1}{8}'' = 1'$ .

c. An outline summary in tabular form for each principal residential building, or by type of building, including construction materials, finished basement and floor elevations, floor area (total per building and by dwelling unit), outside dimensions including height, number of units, number of bedrooms by unit, etc.

#### M. Local Laws and Regulations; Non-Compliance

The APPLICATION shall include a complete itemized list of all requested exemptions to local bylaws, requirements, and rules and regulations, including, but not limited to, the BYLAW, the Subdivision Rules and Regulations, the Wetlands Protection Bylaw, and Board of Health Regulations. For each requested exemption, the APPLICATION shall identify the bylaw, rule or regulation section number, provide a brief summary of the exemption needed, and state the basis for the requested exemption.

#### N. Affordable Dwelling Units

The APPLICATION shall include the following information for the proposed affordable dwelling units:

1. The proposed types of affordable dwelling units - homeownership units with initial sale prices, and rental units with initial monthly rents.

2. The proposed methods of selecting qualified purchasers or tenant of the affordable units, including local preference criteria.

3. Proposed subsidies from qualifying State and Federal programs.

4. Proposed legal documents for the affordable units in compliance with the applicable subsidy programs.

#### O. Development Schedule

The APPLICATION shall include a Development Schedule (see Appendix).

#### P. Unit Composition Schedule

The APPLICATION shall include a completed Unit Composition Schedule (see Appendix).

Q. Development Pro Forma

The APPLICATION shall include a completed Development Pro Forma for the proposed project at the SITE and a certified Real Estate Appraisal for all parcel(s) relating to the proposed development. Such appraisal shall be based upon the highest and best land use under current zoning by right (see Appendix).

R. Market Study

The APPLICATION shall include a market study prepared by a qualified appraiser or real estate professional. The study must demonstrate sufficient demand for the market rate units as shown and priced in the proposed development to ensure the projected income, profit, and cash flow, and to ensure the completion of the affordable units whether or not a Federal or State subsidy program will be used.

S. Developer Information

The APPLICATION shall include resume(s) of the APPLICANT, developer, and/or development team, including company history, references, and list of similar projects completed within the previous 10 years with location, date of completion, description, plans, and photographs, and municipal contact person or department.

T. Additional Information

The APPLICATION may contain whatever additional information the APPLICANT believes is necessary to properly inform the BOARD about the proposed development, including legal opinions, copies of deeds, historical data, studies, and reports, and any additional information requested by the BOARD.

VIII.4. Filing Procedures

A. Who May File an APPLICATION?

Anyone may file an APPLICATION for a PERMIT. However, the APPLICANT and the proposed development SITE must fulfill the jurisdictional requirements of 760 CMR 31.01:

- a) The APPLICANT shall be a public agency, a non-profit organization, or a limited dividend organization; and
- b) The project shall be fundable by a subsidizing agency under a low and moderate income housing subsidy program (Site Approval/Project Eligibility Letter from State or Federal Funding Agency); and
- c) The APPLICANT shall have full control of the SITE.

The property owner of record shall sign the APPLICATION form thereby granting his/her consent to the filing of the APPLICATION.

B. APPLICATION Fees

The application fee prescribed in this section shall accompany the APPLICATION for a PERMIT. The application fee shall be submitted in check form and made payable to the "Town of Carlisle". The application fee is not refundable. The application fee for a PERMIT is calculated as follows: \$1,000.00 base fee, plus an additional \$100.00 for each dwelling unit proposed in the APPLICATION.

C. Outside Consultants and Review Fees

1. An technical review escrow deposit shall accompany the APPLICATION for a PERMIT. The escrow for technical review fees is intended to cover the BOARD's cost of hiring consultants, including but not limited to engineers, landscape architects, architects, legal counsel, financial, real estate, and/or other professionals to review the project. The initial escrow deposit amount required for an APPLICATION shall be \$20,000.00 and may be adjusted by vote of the BOARD. Whenever the account falls below 50% of the requirement set by the Board, the applicant must deposit an additional amount sufficient to return the account to the required level. Any unexpended monies in the escrow account will be returned to the applicant only after all obligations are satisfied. Failure to fulfill escrow requirements may render an APPLICATION incomplete and be considered sufficient grounds for its denial.

2. The APPLICANT may appeal the BOARD's selection of a consultant(s) whose fees are to be paid from the escrow deposit to the Board of Selectmen.

- (a) The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications.
- (b) The minimum qualifications shall consist of either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.
- (c) Pursuant to M.G.L. c. 44, § 53G, the required time limits for action upon the APPLICATION by the BOARD shall be extended by the duration of the appeal. If no decision is made by the Board of Selectmen within one month following the filing of the appeal, the BOARD's selection shall stand.

3. The escrow deposit shall be deposited in a special account established by the Town Treasurer pursuant to M.G.L. c. 44, § 53G. Funds from the special account shall be administered in accordance with M.G.L. c. 44, § 53G, and may be expended only for the purposes described above.

D. Submission to the Town Clerk and the Board

The APPLICANT shall submit two complete copies of the APPLICATION to the office of the Carlisle Town Clerk. The Town Clerk will certify the date and time of filing on both copies, keep one of the copies, and return the other to the APPLICANT. The APPLICANT shall then forthwith file the returned copy, the remaining other copies of the APPLICATION, and the required fee with the office of the BOARD during normal business hours. The APPLICANT may request and shall be entitled to a written receipt for the materials submitted.

Information submitted after the initial filing of the APPLICATION as described above will not be accepted except at the public hearing.

If significant information that was not included in the APPLICATION is presented at the public hearing, the hearing may be continued by the BOARD to allow for TOWN staff and consultants review of the new material. Additional APPLICATION materials shall be submitted in multiple copies as required for the original APPLICATION.

Questions concerning the submission of additional materials and information should be directed to TOWN staff.

E. Review of Application

To ensure full and qualified review of the APPLICATION, the BOARD will forthwith notify other TOWN departments, boards, committees, agencies, or independent consultants of the APPLICATION by sending one or more copies thereof to such local boards, committees, agencies, or independent consultants for their recommendations, and shall notify them of the due date by which comments must be returned to the BOARD, which shall ordinarily be within 25 days of the filing of the APPLICATION unless otherwise specified by the BOARD. The BOARD will make available to the APPLICANT upon request copies of any comments or recommendations received.

VIII.5. Public Hearing & Decision

A. Procedures and Time Limits

The LAW requires a public hearing on the APPLICATION. Procedures and time limits for hearings and DECISIONS on APPLICATIONS shall be as required by LAW.

1. Public Hearing Notice

The BOARD will hold a public hearing within 30 days of the APPLICATION filing date, unless the time has been extended by mutual agreement between the BOARD and the APPLICANT in accordance with the LAW. Pursuant to M.G.L. c. 40A, § 11, the BOARD will give notice of the time and place of the public hearing and its subject matter, sufficient for identification, as follows (see Appendix):

a) By publication of the notice in a newspaper of general circulation in the TOWN once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the public hearing. The newspaper will send the bill for the advertisement directly to the APPLICANT and the APPLICANT shall pay the bill directly to the newspaper.

b) By posting the notice in a conspicuous place in the Carlisle Town Hall for a period of not less than fourteen days before the day of the public hearing.

c) By mailing the notice by certified mail, postage prepaid, to all PARTIES IN INTEREST. At least 21 days before the day of the public hearing, the APPLICANT shall submit to the office of the BOARD the certified mail letters containing the hearing notice (request date, time, and place of the public hearing from the office of the BOARD) addressed to each PARTY IN INTEREST; sender: the Town of Carlisle Board of Appeals, 66 Westford Street, Carlisle, MA 01741; sealed and ready to be mailed; accompanied by one copy of the

notice for the BOARD's record, and payment to the Town of Carlisle in the amount of the cost of the certified mailings.

d) One business day before the start of the public hearing, the APPLICANT shall present to the office of the BOARD the certified mail return receipts and copies of the newspaper advertisements of the hearing as evidence that notice has been given as required by the LAW.

e) Failure to properly notify PARTIES IN INTEREST and to publish a notice of the hearing in the newspaper could render the public hearing invalid.

## 2. Public Hearing

An APPLICANT may appear on his/her/its own behalf or be represented by an agent or attorney. It is the responsibility of the APPLICANT or his/her/its agent to present the APPLICATION to the BOARD and the public. Failure to appear by the APPLICANT may constitute grounds for denial of the APPLICATION.

a) The APPLICANT may be requested to answer questions raised by the BOARD or the public. The BOARD will keep a record of any evidence that has been introduced at the hearing for reference in its deliberations.

b) No evidence shall be received by the Board after the hearing closes, unless the BOARD has specifically voted to reopen the public hearing for receipt of such information. The BOARD may receive any testimony or documentary evidence that it deems necessary to enable it to render a fair and informed decision. Any party desiring to submit evidence to the BOARD for its consideration at the next session of the public hearing shall submit such evidence to the BOARD at least 48 hours in advance of that session of the public hearing.

c) Any person that received written notice from the BOARD of the public hearing pursuant to Section 5.2 above may present testimony during the public hearing; however, the BOARD may exclude unnecessary, irrelevant, or repetitive testimony.

d) Members of the BOARD and/or an attorney on its behalf may cross-examine representatives of the APPLICANT and any witness that presents testimony during the public hearing.

e) The APPLICANT or its duly authorized representative shall appear and be available to answer questions and provide information to the BOARD at each session of the public hearing.

f) The APPLICANT shall make the SITE available for an inspection by the BOARD and any PARTIES IN INTEREST at any reasonable time determined by the BOARD during the public hearing. Signature of the owner of the SITE on the APPLICATION shall constitute the owner's irrevocable consent to the BOARD's conducting such a SITE inspection. The BOARD may conduct the SITE visit during the public hearing or any continued session thereof.

g) For public hearings that exceed three separate sessions, a BOARD member absent during one or more sessions is not necessarily disqualified from participating in the review, deliberation, and decision-making process. A member who has missed one or more sessions shall be presumed capable of making an informed decision on the APPLICATION if he or she reviews the minutes of the session(s) of the public hearings missed and all the evidence and testimony submitted during the public hearing. Where more than one member of the BOARD has missed a session of the public hearing, the APPLICANT may at the beginning of a session of public hearing where a member is absent request a continuance of that session, and the BOARD shall grant said request provided that the APPLICANT executes a consent form waiving any right to raise a claim of constructive approval or constructive denial of the APPLICATION as a result of said continuance, in a form approved by Town Counsel.

h) All persons wishing to present evidence or testimony during the public hearing shall identify themselves, including their place of residence, and any persons for whom they are acting as an agent or attorney.

### 3. Withdrawal of APPLICATION

Any APPLICATION for a PERMIT may be withdrawn without prejudice by notice in writing to the BOARD prior to the posting or mailing of notice of a public hearing. Withdrawal of any APPLICATION thereafter requires BOARD consent. No refund of the application fee will be provided if an APPLICATION is withdrawn. Remaining fee deposits for consultant reviews will be refunded to the extent that they have not yet been paid or committed for consultant services.

### 4. Time Period for Deliberation

The BOARD shall decide each APPLICATION for a PERMIT within forty (40) days after the close of the public hearing, unless such APPLICATION has been withdrawn as set forth above or the period for deliberation has been extended as provided in Section 5.5.1 below.

a) Extension - The period within which final action shall be taken may be extended for a definite period by written agreement between the BOARD and the APPLICANT.

b) Continuance - If the BOARD determines that the APPLICATION is defective, it shall give the APPLICANT notice of the defect before closing the hearing, and allow the applicant a continuance of 60 days to remedy the defect. If the defect is not remedied by the APPLICANT within said 60 days, the BOARD may close the public hearing and deny the application. See 760 CMR 31.01(5). See Section 3, above.

### 5. Decision

The BOARD may (1) approve the APPLICATION and grant the PERMIT for the development as proposed in the APPLICATION; (2) approve the APPLICATION and grant the PERMIT subject to conditions as the BOARD may deem appropriate; or (3) deny the APPLICATION and the PERMIT. Because the BOARD consists of three persons (members or associate members as designated to hear the APPLICATION), a motion to grant or deny a comprehensive PERMIT shall carry if two of those voting on the motion vote in favor of the

motion. A quorum shall consist of two of the three members or associate members designated to hear the APPLICATION. Conditions imposed by the Board in the DECISION may include, but are not limited to, such conditions as are appropriate in the BOARD's judgment to:

- Ensure compliance with federal or state statutes or regulations, or with generally recognized standards as to matters of health, safety, the environment, design, open space, or other matters of local concern;
- Protect valid health, safety, environmental, design, open space, master planning, or other local concerns; and/or
- Mitigate adverse impacts of the project arising out of or related to health, safety, environmental, design, open space, master planning or other local concerns, including without limitation concerns related to (1) structural soundness of the proposed building; (2) adequacy of sewage arrangements; (3) adequacy of water drainage arrangements; (4) adequacy of fire protection; (5) adequacy of the applicant's proposed arrangements for dealing with the traffic circulation within the site and for dealing with traffic generated by the project on adjacent streets; (6) proximity of the proposed site to airports, industrial activities, or other activities that may affect the health and safety of the occupants of the proposed housing; (7) height, bulk, and placement of the proposed housing; (8) physical characteristics of the proposed housing; (9) height, bulk, and placement of surrounding structures and improvements; (10) physical characteristics of the surrounding land; (11) adequacy of parking arrangements; (12) adequacy of open areas, including outdoor recreational areas, proposed within the building site; (13) open space availability, utilization, need, plans, preservation, use, proximity, inventory, and legal restrictions; (14) municipal planning including without limitation the TOWN's master plan, comprehensive plan, or community development plan, and the relationship of the proposed project to the TOWN's efforts to implement such plans.

a) The BOARD shall file a written DECISION with the Town Clerk and send a copy to the APPLICANT by certified mail. The BOARD shall also send a notice of its DECISION to all PARTIES IN INTEREST, and to those who have requested such notice at the public hearing.

b) A written DECISION granting the PERMIT shall be considered the Comprehensive Permit under the LAW.

#### 6. Recording of DECISION

If the BOARD approves an APPLICATION, the APPLICANT shall record a full copy of the DECISION in the owner's chain of title for the SITE in the Middlesex South District Registry of Deeds, or file it in the Land Court if applicable, and shall pay any required recording or registration fees and surcharges. A certified copy of the recorded DECISION shall be submitted to the Building Commissioner prior to the issuance of a building permit or the start of any work on the SITE.

#### 7. Submission of Approved Plans, Endorsement



The approved plan, as amended or revised in accordance with the BOARD's DECISION of approval, shall be submitted to the Building Commissioner before the issuance of any building permit on the SITE. The approved plan shall be signed by a majority of the members of the BOARD in a form acceptable for recording by the Middlesex South District Registry of Deeds prior to the issuance of a building permit for the SITE.

8. Appeal of DECISION

Any person aggrieved by the issuance of a comprehensive PERMIT may appeal the BOARD's DECISION in accordance with M.G.L. c. 40B, § 21, and M.G.L. c. 40A, § 17, within 20 days after the filing of the DECISION with the Office of the Town Clerk. The APPLICANT may appeal the BOARD's DECISION to the Massachusetts Housing Appeals Committee as provided in M.G.L. c. 40B, § 22 within 20 days after the filing of the DECISION with the Office of the Town Clerk.

9. Time Limit for PERMIT

The time limit on the PERMIT and any extensions thereof shall be governed by 760 CMR 31.08(4).

10. Limitation of the DECISION

Only those local bylaws, rules, regulations, and requirements that are specifically waived by the BOARD in the PERMIT DECISION shall be deemed to be waived by the PERMIT. All other local bylaws, rules, regulations, requirements, permits or approvals shall apply to the project on the SITE as they would in the absence of the PERMIT. The BOARD may condition any PERMIT hereunder on satisfactory demonstration of compliance with the requirements of other governmental bodies having jurisdiction prior to the start of any work on the SITE, the issuance of a building permit, or any other appropriate step in the development process. The APPLICANT is hereby encouraged to seek approvals and certificates of compliance from such other governmental bodies prior to or concurrently with the APPLICATION to the BOARD.

11. Amending a PERMIT

If, after a PERMIT is issued, an APPLICANT desires to change the details of its proposal as approved by the BOARD or the Housing Appeals Committee, it shall promptly notify the BOARD in writing describing such change(s). The BOARD shall process such request in accordance with 760 CMR 31.03(3), as amended. Consultation with TOWN staff is recommended prior to the filing of any request to amend a PERMIT.

12. Transfer of a PERMIT

No PERMIT shall be transferred to a person or entity other than the APPLICANT without the written approval of the BOARD.

## APPENDIX

**COMPREHENSIVE PERMIT  
APPLICATION FORM**

Refer to the "Rules and Regulations for Comprehensive Permits" available from the office of the Board of Appeals for detailed permit filing requirements.

(Please type or print your application)

1. Street Address of Site:

\_\_\_\_\_

Name of Proposed Development:

\_\_\_\_\_

2. Applicant's Name:

\_\_\_\_\_

Address:

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax \_\_\_\_\_ e-mail \_\_\_\_\_

3. Record Owner Name:

\_\_\_\_\_

Address:

\_\_\_\_\_

Telephone: \_\_\_\_\_

4. Zoning District(s) of Parcel(s):

\_\_\_\_\_

Town Assessor's Map(s)/ Parcel Number(s):

\_\_\_\_\_

- 5 a) Total development site area \_\_\_\_\_  
b) Number of dwelling units \_\_\_\_\_  
c) Number of affordable units \_\_\_\_\_  
d) Number of units adaptable for persons w/ disabilities \_\_\_\_\_  
e) Total open space area \_\_\_\_\_  
f) Total length of road(s): public \_\_\_\_\_ft private \_\_\_\_\_ft  
g) Method of wastewater disposal:

\_\_\_\_\_

The undersigned hereby apply to the Planning Board for a Comprehensive Permit under M.G.L. c. 40B, §§ 20-23. The undersigned hereby certify that the information on this application and plans submitted herewith are correct, and that, to the best of his/her knowledge, the application complies with all applicable provisions of Law and Regulations.

Signed under the penalties of perjury in accordance with M.G.L. c. 268, § 1A.

\_\_\_\_\_  
Signature of Petitioner(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner(s)

\_\_\_\_\_  
Date

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#### RECORD OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and consent to and concur with the application presented above.

\_\_\_\_\_  
Signature of Record Owner(s)

\_\_\_\_\_  
Date

12. \_\_\_\_\_  
\_\_\_\_\_

13. **Signature of Record Owner(s)**

**Date**

## **COMPREHENSIVE PERMIT**

### **PUBLIC HEARING NOTICE**

In accordance with the provisions of M.G.L. c. 40B, §§ 20-23, the Carlisle Board of Appeals will hold a public hearing on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ p.m., at \_\_\_\_\_ on the application of \_\_\_\_\_ for approval of a Comprehensive Permit on a parcel located at \_\_\_\_\_ and shown on Town Assessor's Map \_\_\_\_\_, parcel \_\_\_\_\_. The applicant proposes a development of \_\_\_\_\_ dwelling units, \_\_\_\_\_ of them qualifying as affordable.

(above for newspaper legal advertisement only)

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(above and below notices to parties in interest)

The Board of Appeals may grant Comprehensive Permits under the provisions of M.G.L. c. 40B, §§ 20-23A. A copy of the application is also available for review at the office of the Board of Appeals, Town Hall between 8:00 AM and 5:00 PM, Monday through Friday.

At the hearing, the applicant or his/her representative will present the application and reason(s) why the permit should be granted. When the applicant or his/her representative has concluded, the Chair of the Board will allow Board members to speak to the matter under consideration or to ask questions. Subsequently, the Chair will give the public the same opportunity to speak to the matter under consideration or to ask questions.

Any party may appear in person, by agent, or by attorney at any hearing. When all of the facts have been presented and all persons wishing to speak on the petition have been heard, the Chairman will close the hearing. No evidence shall be received by the Board after the hearing closes, unless the BOARD has specifically voted to reopen the public hearing for receipt of such information.

## **COMPREHENSIVE PERMIT DEVELOPMENT IMPACT REPORT**

The Development Impact Report (DIR) is intended to assist the Board of Appeals in its evaluation of the proposed development in the context of existing conditions and planning efforts by the Town.

The DIR seeks to summarize the broad range of issues generally associated with development plans in a form and language that is understandable to a layperson. It assesses development impacts that might be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information that will assist the Town in planning ahead to provide adequate services in the future. The Board of Appeals hopes that the DIR, early consultations with the Town staff, and the applicant's continuing cooperation throughout the development review process will foster an atmosphere in which a development of excellent quality and design will emerge that helps meet housing needs and is sensitive to Carlisle's natural and historic heritage and other community concerns.

The DIR shall be filed with a comprehensive permit application. However, it is recommended that it be given to Town staff at the preliminary review stage, even if portions are incomplete at that time. The DIR shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment. In preparing the DIR, professionals of the respective fields should be consulted as necessary.

**COMPREHENSIVE PERMIT  
DEVELOPMENT IMPACT REPORT**

(Please type or print information in blanks below)

1. Name of Proposed Development: \_\_\_\_\_
2. Location: \_\_\_\_\_
3. Name of Applicant(s): \_\_\_\_\_
4. Brief Description of the Proposed Project: \_\_\_\_\_  
\_\_\_\_\_
5. Name of individual preparing this DIR: \_\_\_\_\_  
Address: \_\_\_\_\_  
Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Professional Credentials: \_\_\_\_\_  
\_\_\_\_\_

**A. Site Description**

Present permitted and actual land uses by percentage of the site.

<i>Use</i>	<i>Percentage of the site (permitted)</i>	<i>Percentage of the site (actual)</i>
Industrial		
Commercial		
Residential		
Forest		
Agricultural		
Other (specify)		

Total acreage on the site: \_\_\_\_\_ acres.

<i>Land Type</i>	<i>Current Acreage</i>	<i>Acreage After Completion</i>
Meadow or Brushland (non-agriculture)		
Forested		
Agricultural (includes orchards, cropland, pasture)		
Wetland		
Surface Water		
Flood Plain		
Unvegetated (rock, earth, or fill)		
Roads, buildings and other impervious surfaces		
Other (indicate type)		

List the zoning districts in which the site is located and indicate the percentage of the site in each district. *Note: include overlay zoning districts.*

<i>District</i>	<i>Percentage</i>

Predominant soil type(s) on the site: \_\_\_\_\_  
 \_\_\_\_\_

Soil drainage (using the US Soil Conservation Service's definitions):

<i>Soil Type</i>	<i>% of the Site</i>
Well drained	
Moderately well drained	
Poorly drained	

Are there bedrock outcroppings on the site? \_\_\_\_yes \_\_\_\_no

Approximate percentage of proposed site with the following slopes:

<i>Slope</i>	<i>% of the Site</i>
0 – 10%	
10 – 15%	
Greater than 15%	



How close is the site to a public well? \_\_\_\_\_ feet (Zone \_\_\_\_\_)

Does the project site contain any species of plant or animal life that is identified as rare, endangered or threatened? (Consult with the Massachusetts National Heritage and Endangered Species Program and the Carlisle Conservation Commission).

\_\_\_\_\_yes          \_\_\_\_\_no

If yes, specify:

Are there any unusual or unique features on the site such as trees larger than 30 inches dbh, bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges?

\_\_\_\_\_yes    \_\_\_\_\_no

If yes, specify:

Are there any established footpaths or railroad right of ways on the site?

\_\_\_\_\_yes    \_\_\_\_\_no

If yes, specify:

Is the site presently used by the community or neighborhood as an open space or recreation area?          \_\_\_\_\_yes          \_\_\_\_\_no

Is the site adjacent to conservation land or a recreation area?    \_\_\_\_\_yes          \_\_\_\_\_no

If yes, specify:

Does the site include scenic views, or will the proposed development obstruct any scenic vistas?          \_\_\_\_\_yes          \_\_\_\_\_no

If yes, specify:

Are there wetlands, lakes, ponds, streams or rivers within or contiguous to the site?

\_\_\_\_\_yes    \_\_\_\_\_no

If yes, specify:

Is there any land on the site protected under General Laws Chapter 61, 61A or 61B?

\_\_\_\_yes      \_\_\_\_no

If yes, specify:

Has the site ever been used for the disposal of hazardous waste?      \_\_\_\_yes      \_\_\_\_no

Has a Chapter 21E study been conducted for the site?      \_\_\_\_yes      \_\_\_\_no

If yes, specify (including results):

Will the proposed activity require use and/or storage of hazardous materials or generation of hazardous waste?      \_\_\_\_yes      \_\_\_\_no

If yes, specify:

Does the project contain any buildings or sites of historic or archaeological significance?  
(Consult with the Carlisle Historic Commission and the Massachusetts Historic Commission)      \_\_\_\_yes      \_\_\_\_no

If yes, describe:

Is the project contiguous to or does it contain a building in a local historic district or national register district?      \_\_\_\_yes      \_\_\_\_no

If yes, specify:

## **B. Circulation System**

What average traffic volumes will the project generate?

Average weekday traffic	
Average peak hour volume - weekday morning	
Average peak hour volume - weekday evening	
Average peak hour volume – Saturday	

Existing street(s) providing access to proposed development:

Name \_\_\_\_\_

Existing intersections: list all intersections located within 1000 feet of any access to the proposed development:

Location of existing sidewalks within 1000 feet of the proposed site:

Location of proposed sidewalks and their connection to existing sidewalks:

Are there parcels of undeveloped land adjacent to the proposed site? \_\_\_\_yes \_\_\_\_ no

Will access to these undeveloped parcels be provided within the proposed site?

\_\_\_\_yes \_\_\_\_ no

If yes, describe:

If no, explain why not:

### **C. Utilities and Municipal Services**

What is the total number of bedrooms proposed? \_\_\_\_\_

#### Storm Drainage

- a. Describe the type and location of any surface water body currently receiving runoff from the site:

\_\_\_\_\_  
\_\_\_\_\_

- b. Describe the proposed drainage system and how it will alter existing drainage patterns:

c. Will a NPDES Permit be required?     yes     no

Estimate the fire department response time to the site (consult with Fire Dept.)

## Schools

a. Projected number of new school age children: \_\_\_\_\_

b. Distance to nearest school: \_\_\_\_\_

#### D. Measures to Mitigate Impacts

Attach brief descriptions of the measures that will be taken to:

Prevent surface water contamination.

Prevent groundwater contamination.

- Maximize groundwater recharge.

Prevent erosion and sedimentation.

Maintain slope stability.

Design the project to conserve energy.

Preserve wildlife habitat.

Preserve wetlands.

Ensure compatibility with the surrounding land uses.

Control peak runoff from the site so that the post-development rate will be no greater than the predevelopment rate for the 10-year storm event.

Preserve historically significant structures and features on the site.

Mitigate the impact of the traffic generated by the development.

Please use layperson's terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.

**COMPREHENSIVE PERMIT  
DEVELOPMENT SCHEDULE**

	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Total
Projected completion date						
Number of affordable units						
Number of market units						
Subtotal of units						

For the last development phase, or if only one development phase is proposed, suggest below a building permit schedule by which affordable units will be completed. Generally, the Board will allow a staggered completion of market rate and affordable units but requires the completion of all affordable units before the issuance of the last building permit(s) for the project.

**COMPREHENSIVE PERMIT  
UNIT COMPOSITION TABLE**

Type of unit		Number of units	Number of baths/ unit	Gross Sq. Ft./ unit	Unit sales price or monthly rent	Homeowner's association/ condominium fee
<b>1-bedroom</b>	Affordable					
	Market rate					
<b>2-bedrooms</b>	Affordable					
	Market rate					
<b>3-bedrooms</b>	Affordable					
	Market rate					
<b>4-bedrooms</b>	Affordable					
	Market rate					
<b>5 or more bedrooms</b>	Affordable					
	Market rate					
<b>Totals</b>						

# **COMPREHENSIVE PERMIT DEVELOPMENT *PRO FORMA***

If the project is for new construction of ownership units, complete this development *pro forma*. For other types of projects, such as rental units or rehab projects, use *pro formas* approved or suggested by the Massachusetts Department of Housing and Community Development.

<b><u>A. Costs</u></b>	<b><u>Total Costs</u></b>	<b><u>Per Unit</u></b>
<b>(a) Site Acquisition:</b>	\$_____	\$_____
<i>Hard Costs</i>		
(b) Site Preparation	\$_____	\$_____
(c) Landscaping	\$_____	\$_____
(d) Residential Construction	\$_____	\$_____
(e) Subtotal Hard costs (b+c+d)	\$_____	\$_____
(f) Contingency	\$_____	\$_____
<b>(g) Total Hard Costs (e+f):</b>	<b>\$_____</b>	<b>\$_____</b>
<i>Soft Costs</i>		
(h) Permit/Surveys	\$_____	\$_____
(i) Architectural	\$_____	\$_____
(j) Engineering	\$_____	\$_____
(k) Legal	\$_____	\$_____
(l) Insurance	\$_____	\$_____
(m) Security	\$_____	\$_____
(n) Construction Manager	\$_____	\$_____
(o) Property Manager	\$_____	\$_____
(p) Construction Interest	\$_____	\$_____
(q) Financing/Application Fees	\$_____	\$_____
(r) Utilities	\$_____	\$_____
(s) Accounting	\$_____	\$_____
(t) Marketing	\$_____	\$_____
(u) Subtotal Soft Costs (add h-t)	\$_____	\$_____
(v) Contingency	\$_____	\$_____
<b>(w) Total Soft Costs (u+v):</b>	<b>\$_____</b>	<b>\$_____</b>
 <b>(x) Total Development Costs (a+g+w):</b>	 <b>\$_____</b>	 <b>\$_____</b>

**B. Profit Analysis**

*Sources:*

- (A) Affordable sales \$ \_\_\_\_\_  
(B) Market sales \$ \_\_\_\_\_  
(C) Total Sales (A+B) \$ \_\_\_\_\_  
(D) Public grants \$ \_\_\_\_\_  
(E) Total Sales plus Grants (C+D) \$ \_\_\_\_\_

*Uses:*

- (F) Total Development Costs (x, above) \$ \_\_\_\_\_  
(G) Total Profit (E-F) \$ \_\_\_\_\_  
(H) Percentage Profit (G/F) \_\_\_\_\_ %

**C: Cost Analysis**

- (I) Total Building Floor Area (gross): \_\_\_\_\_ square feet  
(J) Residential Construction Cost per square foot (d/I): \$ \_\_\_\_\_  
(K) Total Hard Costs per square foot (g/I): \$ \_\_\_\_\_  
(L) Total Development Costs per square foot (z/I): \$ \_\_\_\_\_  
(M) Sales per square foot (C/I): \$ \_\_\_\_\_  
(Do not include proceeds from public grants)

**D: Construction Lender**

Attach a signed letter of interest from at least one construction lender.